

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES M. SAYLOR,

Plaintiff,

vs.

SCOTT R. FRAKES,

Defendant.

**8:20CV264**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Filings 127, 128, and 129.

In Filing 127, Plaintiff requests the court to enter an order directing court staff to search for a copy of his brief in support of Filing 122, his motion to alter or amend judgment. This request will be denied. The parties are advised, however, that on October 6, 2022, two clerk's office employees inspected the physical documents that were received from Plaintiff on September 2, 2022, and they found no such brief. The only documents found were those that were scanned and filed electronically (i.e., Filings 120, 121, and 122).

Attached to Filing 127 (at pages 15-20) is a signed copy of a brief, with a certificate of service, Plaintiff contends he included in his mailing to the court. Defendant's Filing 123 (brief in opposition to Plaintiff's motion to alter or amend judgment) indicates Plaintiff did serve a brief with his motion, and requests 14 days to file a new opposing brief if Plaintiff is allowed to file his brief out of time. The court on its own motion will accept Plaintiff's brief, and will give Defendant 14 days to file a new brief in opposition to Plaintiff's Filing 122. Plaintiff will then have 7 days after service of Defendant's brief to file a reply.

In Filing 128, Plaintiff requests additional time to respond to Defendant's Filing 123. This request will be denied as moot.

In Filing 129, Defendant requests additional time to file a brief in opposition to Plaintiff's Filing 121 ("motion regarding already filed motion"). This request will

be granted. Because the court was unable to make a ruling before today, the time will be extended to October 14, 2022.

IT IS THEREFORE ORDERED:

1. Plaintiff's Filing 127 is denied.
2. The court accepts Filing 127, pages 15-10, as Plaintiff's brief in support of Plaintiff's Filing 122 (motion to alter or amend judgment). Defendant shall have 14 days from today's date to file a new brief in opposition to Filing 122. Plaintiff shall have 7 days after service of Defendant's brief to file a reply.
3. Plaintiff's Filing 128 is denied as moot.
4. Defendant's Filing 129 is granted. Defendant shall have until October 14, 2022, to respond to Plaintiff's Filing 121 ("motion regarding already filed motion"). Plaintiff shall have 7 days after service of Defendant's response to file a reply.

Dated this 11th day of October 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge